

REMARKS

Status of the Claims

Claims 1-13, 15, 17-34, 36-53, 55-65, 67, 70-71, and 74-75 have been canceled without prejudice or disclaimer. Claims 14, 16, 35, 54, 66, 68-69, 72-73, and 76-77 have been amended. New claims 78-102 have been added. No new matter has been added. Claims 14, 16, 35, 54, 66, 68, 69, 72, 73, and 76-102 are pending.

35 U.S.C. §101 Rejections

The Office has rejected claims 54 and 74-77, at page 3 of the Office Action, under 35 U.S.C. §101 as directed to non-statutory subject matter. Applicants have amended claim 54 to read “[a] non-transitory machine readable medium...” Applicants submit that claim 54 complies with the requirements of 35 U.S.C. §101. Applicants have canceled claims 74-75 without prejudice or disclaimer. Claims 76-77 depend from claim 54 and comply with the requirements of 35 U.S.C. §101. Consequently, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejections.

35 U.S.C. §112 Rejections

The Office has rejected claims 14, 16, 35, 54, and 66-77, at pages 4-5 of the Office Action, under 35 U.S.C. §112, first paragraph. Applicants have amended claims 14, 35, and 54 to remove “with an electronic program guide (EPG),” “wherein the additional content is viewable by the user at any time specified by the user,” and “wherein the additional advertisement is viewable by a user at any time specified by the user” from these claims. Applicants have canceled claims 67, 70, 71, 74, and 75 without prejudice or disclaimer. Applicants have amended claims 16, 66, 68-69, 72-73, and 76-77.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §112, first paragraph rejections.

Claims 14, 16, 35, 54, 66, 68-69, 72-73, and 76-77 are Allowable

The Office has rejected claims 14, 16, 35, 54, and 66-77, at pages 6-9 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 7,100,183 (“Kunkel”) in view of U.S. Patent Publication No. 2007/0124763 (“Ellis”). Applicants have

canceled claims 67, 70-71, and 74-75 without prejudice or disclaimer. Applicants respectfully traverse the remaining rejections.

The cited portions of Kunkel and Ellis do not disclose or suggest the specific combination of claim 14. For example, the cited portions of Kunkel and Ellis fail to disclose or suggest determining, at a user device, whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 14.

Kunkel describes a transmission signal carrying a program or advertisement displayed to all viewers. *See* Kunkel, col. 2, lines 2-3. Kunkel describes that a bit mask is generated from a demographic survey completed by the viewer. *See* Kunkel, col. 1, lines 55-62. In Kunkel, the program or advertisement is embedded with one or more codes that are compared to the bit mask in a viewer's set top converter box to determine whether the viewer fits a demographic profile that the programmer or advertiser wishes to target. *See* Kunkel, col. 2, lines 4-7. In Kunkel, if the received code matches one or more elements of the bit mask, an indication is provided to the viewer that additional information is available. *See* Kunkel, col. 2, lines 7-10. Thus, in Kunkel a received code is compared against the stored bit mask of the user to determine whether the viewer fits a demographic profile that the programmer or advertiser wishes to target. The cited portions of Kunkel do not determine a relevance of additional content to a user based on whether a content descriptor associated with the additional content is related to content being presented. Therefore, the cited portions of Kunkel fail to disclose or suggest determining, at a user device, whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 14.

Further, the cited portions of Ellis do not disclose or suggest this element of claim 14. Ellis describes distributing a message, such as a message to promote a service to users, and presents the message to a user based on a comparison of stored user information with criteria associated with the message. *See* Ellis, paragraphs [0066]-[0067]. Ellis describes comparing targeting criteria of a message with stored user information, such as information that indicates which favorite settings the user has selected in an interactive television program guide or other

application supporting favorites. *See* Ellis, paragraph [0083]. (Emphasis added). The cited portions of Ellis do not disclose or suggest determining at a user device whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented. Therefore, the cited portions of Ellis do not disclose or suggest determining, at a user device, whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 14.

Therefore, the cited portions of Kunkel and Ellis, separately or in combination, fail to disclose or suggest each and every element of claim 14. Hence, claim 14 is allowable. Claims 16, 66, and 68-69 depend from claim 14 and are allowable at least by virtue of their dependence from claim 14.

The cited portions of Kunkel and Ellis do not disclose or suggest the specific combination of claim 35. For example, the cited portions of Kunkel and Ellis fail to disclose or suggest a processor to determine whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 35.

Kunkel describes a transmission signal carrying a program or advertisement displayed to all viewers. *See* Kunkel, col. 2, lines 2-3. Kunkel describes that a bit mask is generated from a demographic survey completed by the viewer. *See* Kunkel, col. 1, lines 55-62. In Kunkel, the program or advertisement is embedded with one or more codes that are compared to the bit mask in a viewer's set top converter box to determine whether the viewer fits a demographic profile that the programmer or advertiser wishes to target. *See* Kunkel, col. 2, lines 4-7. In Kunkel, if the received code matches one or more elements of the bit mask, an indication is provided to the viewer that additional information is available. *See* Kunkel, col. 2, lines 7-10. Thus, in Kunkel a received code is compared against the stored bit mask of the user to determine whether the viewer fits a demographic profile that the programmer or advertiser wishes to target. The cited portions of Kunkel do not disclose or suggest a processor to determine whether additional content is relevant to a user based on whether a content descriptor associated with the additional content is related to content being presented. The cited portions of Kunkel fail to disclose or

suggest a processor to determine whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 35.

Further, the cited portions of Ellis do not disclose or suggest this element of claim 35. Ellis describes comparing targeting criteria of a message with stored user information such as information that indicates which favorite settings the user has selected in an interactive television program guide or other application supporting favorites. *See* Ellis, paragraph [0083]. (Emphasis added). The cited portions of Ellis do not disclose or suggest a processor to determine whether additional content is relevant to a user based on whether a content descriptor associated with the additional content is related to content being presented. The cited portions of Ellis fail to disclose or suggest a processor to determine whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 35.

Therefore, the cited portions of Kunkel and Ellis, separately or in combination, fail to disclose or suggest each and every element of claim 35. Hence, claim 35 is allowable. Claims 72 and 73 depend from claim 35 and are allowable at least by virtue of their dependence from claim 35.

The cited portions of Kunkel and Ellis do not disclose or suggest the specific combination of claim 54. For example, the cited portions of Kunkel and Ellis fail to disclose or suggest a non-transitory machine readable medium including instructions that, when executed by a processor, cause the processor to determine whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 54.

Kunkel describes a transmission signal carrying a program or advertisement displayed to all viewers. *See* Kunkel, col. 2, lines 2-3. Kunkel describes that a bit mask is generated from a demographic survey completed by the viewer. *See* Kunkel, col. 1, lines 55-62. In Kunkel, the program or advertisement is embedded with one or more codes that are compared to the bit mask in a viewer's set top converter box to determine whether the viewer fits a demographic profile that the programmer or advertiser wishes to target. *See* Kunkel, col. 2, lines 4-7. In Kunkel, if

the received code matches one or more elements of the bit mask, an indication is provided to the viewer that additional information is available. *See* Kunkel, col. 2, lines 7-10. Thus, in Kunkel a received code is compared against the stored bit mask of the user to determine whether the viewer fits a demographic profile that the programmer or advertiser wishes to target. The cited portions of Kunkel do not disclose or suggest a non-transitory machine readable medium including instructions that, when executed by a processor, cause the processor to determine whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 54.

Further, the cited portions of Ellis do not disclose or suggest this element of claim 54. Ellis describes comparing targeting criteria of a message with stored user information, such as information that indicates which favorite settings the user has selected in an interactive television program guide or other application supporting favorites. *See* Ellis, paragraph [0083]. (Emphasis added). The cited portions of Ellis do not disclose or suggest that determining whether additional is relevant to a user is based at least in part on whether a content descriptor associated with the additional content is related to content being presented. The cited portions of Ellis do not disclose or suggest a non-transitory machine readable medium including instructions that, when executed by a processor, cause the processor to determine whether additional content is relevant to a user based at least in part on whether a content descriptor associated with the additional content is related to content being presented, as in claim 54.

Therefore, the cited portions of Kunkel and Ellis, separately or in combination, fail to disclose or suggest each and every element of claim 54. Hence, claim 54 is allowable. Claims 76 and 77 depend from claim 54 and are allowable at least by virtue of their dependence from claim 54.

Claims 78-102 are Allowable

Applicants have added new claims 78-102, which are supported by the Specification. No new matter has been added.

Claims 78-86 depend from claim 1 and are allowable at least by virtue of their dependence from claim 1.

Claims 87-94 depend from claim 35 and are allowable at least by virtue of their dependence from claim 35.

Claims 95-102 depend from claim 54 and are allowable at least by virtue of their dependence from claim 54.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited references, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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